

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MAY 4, 2006  
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair  
Bob Workman, Vice Chair  
Larry Hudkins  
Bernie Heier  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Vice Chair opened the meeting at 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, MAY 2, 2006**

**MOTION:** Stevens moved and Heier seconded approval of the Staff Meeting minutes of May 2, 2006. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Address Review Process
- B. Lincoln Independent Business Association (LIBA) Luncheon (June 20, 2006)
- C. June 15, 2006 Staff Meeting
- D. Public Building Commission Properties

**MOTION:** Stevens moved and Hudkins seconded approval of the additions to the agenda. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

**3 LABOR NEGOTIATIONS** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Tom Fox, Deputy County Attorney

**MOTION:** Heier moved and Hudkins seconded to enter Executive Session at 8:33 a.m. for labor negotiations. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr arrived at 8:35 a.m.

**MOTION:** Stevens moved and Workman seconded to exit Executive Session at 9:20 a.m. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

**4 SPECIALIZED SUBSTANCE ABUSE PROGRAM** - Steve Rowoldt, Chief Probation Officer in Adult Probation; Kim Etherton, Community Corrections Director; Deb Minardi, Deputy State Probation Administrator for Community Corrections Programs; District Court Judge Karen Flowers

Steve Rowoldt, Chief Probation Officer in Adult Probation, and Deb Minardi, Deputy State Probation Administrator for Community Corrections Programs, presented a report on Specialized Substance Abuse Supervision (SSAS)/Drug Court (Exhibit A).

Minardi noted that counties are heavily involved in Drug Courts and said Legislative Bill (LB) 1060 provides \$2 million specifically for Drug Courts. She said she does not have all the details on how that money will be spent, but said probation officers, that counties are currently paying for, will be picked up out this State funding (Lancaster County currently has two probation officers working in Drug Court). Minardi said there may also be savings in the areas of drug testing and treatment costs. She said there will also be money for Day Reporting Centers and said Probation was given additional funds to help with staffing and one time capital expenses.

Rowoldt explained that the program will be an evidence-based process and said the University of Nebraska at Lincoln (UNL) is interested in doing some studies. He said one resource particularly needed is mental health evaluations.

The following funding sources were also discussed:

- ▶ 2003 LB 46 (provided funding for Probation)
- ▶ A General Fund appropriation in the amount of \$250,000 (administered by the Community Corrections Council and earmarked for treatment)
- ▶ Additional new money in LB1060 (\$1 million for treatment; \$1.2 million for Day Reporting Centers; and \$45,000 for a Risk Reduction/Recidivism Study in Omaha)

Minardi noted that \$5 million has been collected in offender fees since 2003 and said some of those funds have been allocated in relation to the SASS Program and treatment.

## **ADDITIONS TO THE AGENDA**

### **D. Public Building Commission Properties**

Brief discussion took place regarding how to protect the County's interests with regard to the "K" Street Complex.

Hudkins said Don Killeen, County Property Manager, has prepared a list of all properties owned by the City, County and Public Building Commission (PBC) and said Dana Roper, City Attorney, has been asked to redo the interlocal agreement, particularly with regard to the "K" Street Complex. He said he would like the County Attorney's Office to suggest language that would protect the County's interests.

Kerry Eagan, Chief Administrative Officer, noted that the Board has requested a legal opinion regarding all properties owned or maintained by the PBC.

Kristy Mundt, Deputy County Attorney, said a title search is recommended.

**MOTION:** Hudkins moved to authorize the County Attorney's Office to do a title search.

Mundt recommended that the Board hire a title company, stating she lacks expertise in that area.

Hudkins said the Board only needs a title search on the "K" Street Complex at this point.

Mundt said it is owned by the City and said her office has not received an opinion request specific to that property. She went on to explain that the City would have to agree to any change in interest in the building or amendment of the interlocal agreement.

The motion died for the lack of a second.

Heier asked whether the County can challenge the bond payments.

Mundt said the County is locked into that agreement until 2016.

The Chair and Vice Chair agreed to discuss the matter with the Mayor.

**5 BOARD OF EQUALIZATION PROCESS - Trish Owen, Chief Deputy County Clerk; Tom Kubert, Great Plains Appraisal Company**

Tom Kubert, Great Plains Appraisal Company, said he is recruiting additional referees for this year's hearings and is working with Trish Owen, Chief Deputy County Clerk, and Mike Thew, Chief Deputy County Attorney, on policies and procedures for the 2006 Board of Equalization process. He said the number of property valuation protests that are anticipated this year may exceed the time frame for hearings, even with the extension that was granted this year.

Kubert said Lancaster County has one of the most involved processes in the State, allowing taxpayers to come before a referee, then the Board of Equalization. He said when the process was originally designed, the Court was the next level of appeal after values were approved. The Tax Equalization and Review Commission (TERC) has since been added as an additional layer of review.

Kubert said the Nebraska Revised Statutes provide three options in terms of the process: 1) The Board of Equalization can consider the referee recommendations, papers and findings; 2) The Board of Equalization can allow additional testimony; and 3) The Board of Equalization has the option of hearing each protest anew. He said 5% to 8% of the taxpayers that file protests typically want to go before the Board of Equalization and said they primarily restate what was provided to the referee. Kubert recommended that the Board of Equalization limit the process to referee hearings, with Coordinator review and with the Board of Equalization maintaining the required review and oversight of the process and conclusions. He said limiting it to referee hearings will provide increased consistency on review and more analysis time for the appraisers to do their work. The Board of Equalization will still have the discretion to ask for an additional hearing, on an individual basis, if it sees a problem. Taxpayers with additional data could also submit it in writing to the Board of Equalization for review.

Stevens suggested a filing cutoff for those that might want to have a hearing before the Board of Equalization.

Trish Owen, Chief Deputy County Clerk, said she is concerned about not treating everyone on an equitable basis.

Hudkins expressed concern that taxpayers will not receive comparables with their valuation notices this year.

Norm Agena, County Assessor/Register of Deeds, said that is correct. He said his office is willing to mail them to anyone who requests them.

**MOTION:** Workman moved and Heier seconded to: 1) Follow the recommendation of Tom Kubert, Referee Coordinator, and eliminate formal hearings before the Board of Equalization; and 2) Set a deadline of August 1, 2006 for new or additional information to be submitted to the County Clerk's Office for review by the Board and Referee Coordinator prior to setting final values.

Stevens said he would prefer to hear the residential property protests.

**ROLL CALL:** Hudkins, Workman, Heier and Schorr voted aye. Stevens voted no. Motion carried.

The Chair asked to see the referee hearing letter before it goes out.

Kubert said he will continue to work on the policies and procedures and will provide an update next week.

**6 POTENTIAL LITIGATION** - Kristy Mundt, Deputy County Attorney; Jim Shotkoski, County Engineering

**MOTION:** Hudkins moved and Heier seconded to enter Executive Session at 10:51 a.m. for discussion of potential litigation. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Stevens exited the meeting.

**MOTION:** Heier moved and Workman seconded to exit Executive Session at 11:02 a.m. Heier, Workman, Hudkins and Schorr voted aye. Stevens was absent from voting. Motion carried.

Stevens returned to the meeting at 11:03.

**7 GRANT OPPORTUNITY FOR MENTAL HEALTH JAIL DIVERSION PROGRAM** - Travis Parker, Mental Health Jail Diversion Project (MHJDP) Director; Kim Etherton, Community Corrections Director; Mike Thurber, Corrections Director

Travis Parker, Mental Health Jail Diversion Project (MHJDP) Director, introduced (MHJDP) staff and reported on project recognition, including publication of an article in the March/April edition of American Jails (Exhibits B & C).

Parker said he wants to continue the collaboration with Corrections and expand the program to Community Corrections (Pre-Trial and Drug Court components). He

gave an overview of the current funding situation and presented a proposal for future funding (Exhibit C) :

- ▶ Apply for an Implementation and Expansion Grant from the Bureau of Justice Assistance (BJA). If awarded, the grant will provide \$200,000 from approximately October 1, 2006 through September 30, 2008.
- ▶ If awarded, the BJA grant would fund the project entirely in June, 2007, which marks the end of Substance Abuse and Mental Health Services Administration (SAMHSA) Grant funding.
- ▶ Approximately \$144,000 of the BJA grant, if awarded, would fund the period of July 1, 2007 through June 30, 2008, with a guarantee of at least \$106,000 needed from Lancaster County.

Parker said he will continue to work to have legislation introduced to fund Mental Health Jail Diversion Programs in Nebraska and said, if successful, that funding could reduce the \$106,000 that is being requested from Lancaster County.

- ▶ The remaining \$36,000 of the BJA grant, if awarded, would fund the period of July 1, 2008 through June 30, 2009, with a guarantee of at least \$214,000 needed from Lancaster County and/or the State of Nebraska.

In response to a question from Heier, Parker said the program takes about 50 to 55 offenders out of the jail a year, on average.

Mike Thurber, Corrections Director, said these are individuals that keep returning to the jail. He characterized them as non-violent, misdemeanants.

Kim Etherton, Community Corrections Director, added there is a possibility that the program could be expanded to felony cases, provided they are non-violent.

**MOTION:** Stevens moved and Heier seconded to authorize Travis Parker, Mental Health Jail Diversion Project (MHJDP) Director, to submit the grant application, with signature by the Chair.

Parker clarified that if the Board accepts the grant, it will have to operate under the grant guidelines for 24 months.

Workman suggested that the Board make this a legislative priority next year.

**ROLL CALL:** Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

### **RETURNING TO ITEM 2D**

**MOTION:** Hudkins moved and Heier seconded to request a legal opinion and direction from the County Attorney's Office on how to protect Lancaster County's interest in the "K" Street Complex. Heier, Workman, Hudkins and Schorr voted aye. Stevens voted no. Motion carried.

### **ADDITIONS TO THE AGENDA**

A. Address Review Process

Eagan said he will prepare a booklet on the rural address appeals, including aerial photographs, for Board review.

B. Lincoln Independent Business Association (LIBA) Luncheon (June 20, 2006)

**MOTION:** Stevens moved and Hudkins seconded to have the Chair represent the Board at the luncheon. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

C. June 15, 2006 Staff Meeting

Board consensus was to hold a Staff Meeting on that date.

### **ADDITIONS TO THE AGENDA**

**MOTION:** Heier moved and Hudkins seconded to add discussion of meeting time for the Tuesday, Board of Commissioners Meetings to the agenda. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

**MOTION:** Heier moved and Hudkins seconded to move the meeting time to 9:30 a.m. for the months of June and July, beginning June 6, 2006. Hudkins, Heier and Schorr voted aye. Workman and Stevens voted no. Motion carried.

### **RETURNING TO ITEM 2C**

Hudkins said he will be out of town that day and the Board will lack a quorum.

Board consensus was to cancel the meeting.

## **8 ADMINISTRATIVE OFFICER REPORT**

### **A. Rock Creek Road Closure**

The Board reviewed a letter from Carol and Merl Vinson asking that a gate be installed at 141<sup>st</sup> Street and Rock Creek Road (see agenda packet).

Gwen Thorpe, Deputy Chief Administrative Officer, said the County Engineer and County Sheriff would like to wait until the bridge is done.

The Board asked Thorpe to notify the Vinson's that the Board is going to hold off on action and to copy the County Engineer and County Sheriff.

### **B. Cemetery Sign Press Conference**

The Board scheduled the press conference for 10:00 a.m. on May 16, 2006 at the Jordan Pioneer Cemetery.

Concerns were expressed regarding the sign logo.

### **C. Request for Creek Signs from Bruce Stahr, Prairie Creek Estates Homeowners Association President**

**MOTION:** Heier moved and Hudkins seconded approval. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

### **D. LB 211 (Create Statewide Cemetery Registry)**

Eagan said Russ Shultz, Noxious Weed Control Authority Superintendent, will gather the information.

## **RETURNING TO ITEM 3**

**MOTION:** Hudkins moved and Heier seconded to ask Larry Van Hunnik, Lancaster Manor Administrator, to represent the appointed department heads in labor negotiations. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

## **9 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said the committee reviewed the Environmental Resources section of the Lincoln and Lancaster County Comprehensive Plan (Exhibit E). There was also a presentation by Public Works and Utilities on the new sewage line and wastewater treatment facility that will be located by Wilderness Park (Exhibit F).

- B. Lincoln Partnership for Economic Development (LPED) Investors - Schorr

Schorr said there were presentations on the following: 1) The Entrepreneurial Center; 2) Business Retention and Expansion; and 3) New Markets Tax Credits.

- C. Lincoln Chamber of Commerce City Council/County Board Coffee - Stevens

Stevens reported discussion of the following issues: 1) Budgets; 2) Concealed Carry; 3) Sex Offenders; 4) Public Plaza Parking Garage; and 5) Economic Development.

- D. Nebraska Association of County Officials (NACO) Teleconference Regarding Group Insurance Plan - Workman

Workman said NACO is willing to look at including Lancaster County in its insurance pool in the future.

## 10 ADJOURNMENT

**MOTION:** Stevens moved and Heier seconded to adjourn the meeting at 12:25 p.m. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk